

REMARKS

Reconsideration of this application, as amended, is respectfully requested. The Applicants wish to draw the Examiner's attention to the applicants' related co-pending applications and issued patents (see updated Appendix A) directed to nanoparticles and methods of preparation and use thereof.

The Applicants note that the Examiner did not return executed PTO 1449 forms for the Supplemental IDS hand-delivered to the Examiner on February 9, 2002 and 6th Supp. IDS that was hand-delivered to the Examiner on September 9, 2002. Attached copies of PTO stamped post-cards show that the Patent Office did receive both, PTO-1449 forms and cited references. The Applicants request that the Examiner fully execute the PTO 1449 forms for the Supplemental and 6th Supp. IDSs and return a copy of the executed PTO 1449 forms to the undersigned representative. Copies of the Supplemental IDS and 6th Supp. IDSs, and associated PTO 1449 forms are attached. The Examiner is requested to contact the undersigned representative if the Examiner would like to have another copy of the references.

Claims 433-476 were pending in this application. Claims 433-439, 447-453, 475 and 476 were rejected under 35 U.S.C. section 103(a) as being unpatentable over Yguerabide et al. U.S. Patent No. 6,214,560. Claims 440-446 and 454-474, however, were deemed to be allowable if placed into independent format. In order to expedite prosecution, claim 433 was amended, claim 440 was cancelled, and claim dependencies and/or informalities were corrected without prejudice to future prosecution, without disclaimer of any subject matter, and without acknowledgement or presumption that the amendments are in any way related to patentability. Support for the amendment of claim 433 can be found in cancelled claim 440. Accordingly, no new matter is introduced by the instant amendments.

The Applicants respectfully request entry of this response. The response (including amendment) does not raise any new issues that would require an additional search or create any unreasonable burden on the Examiner. The Applicants respectfully submit that all of the claims in this application are in allowable condition and request a Notice to this effect.

Reconsideration of this application is respectfully requested and a favorable determination is earnestly solicited. The Examiner is invited to contact the undersigned

representative if the Examiner believes that this would be helpful in expediting the prosecution of this application.

Respectfully submitted,



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APPENDIX A

| ATTY Case No. | Serial No./ Filing Date | Inventors/Title | Status |
|--------------------------|--|--|---|
| 00-653-A | U.S. 09/927,777 Filed 8/10/01 | Mirkin, Letsinger, Mucic, Storhoff, Elghanian, Taton, Garamella, Li, Park/ NANOPARTICLES HAVING OLIGONUCLEOTI DES ATTACHED THERETO AND USES THEREFORE | ALLOWED |
| 00-713-B1 | 09/923,625 Filed 8/7/01 | Mirkin, Letsinger, Mucic, Storhoff, Elghanian/ NANOPARTICLES HAVING OLIGONUCLEOTI DES ATTACHED THERETO AND USES THEREFOR | ALLOWED |
| 00-713-C | 09/344,667, filed 6/25/99 | Mirkin, Letsinger, Mucic, Storhoff, Elghanian/ NANOPARTICLES HAVING OLIGONUCLEOTI DES ATTACHED THERETO AND USES THEREFORE | U.S. Patent No. 6,361,944, issued 3/26/02 |
| 00-713-I | U.S.S.N 09/603,830 Filed 6/26/00 | Mirkin, Letsinger, Mucic, Storhoff, Elghanian, Taton; NANOPARTICLES HAVING OLIGONUCLEOTI DES ATTACHED THERETO AND USES THEREFOR | U.S. Patent No. 6,506,564, issued 1/14/03 |
| 00-713-I-1 | 09/961,949 9/20/01 | Mirkin, Letsinger, Mucic, Storhoff, Elghanian, Taton; | U.S. Patent No. 6,582,921, issued June 24, 2003 |

| ATTY Case No. | Serial No./ Filing Date | Inventors/Title | Status |
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| | | NANOPARTICLES HAVING OLIGONUCLEOTI DES ATTACHED THERETO AND USES THEREFOR | |
| 00-713-I-2 | 09/957,318 9/20/01 | See 00-713-I-1 | ALLOWED |
| 00-713-I-3 | 09/957,313 9/20/01 | See 00-713-I-1 | U.S. Patent No. 6,645,721, issued 11/11/03 |
| 00-713-I-4 | 09/966,491 9/28/01 | See 00-713-I-1 | U.S. Patent No. 6,610,491, issued August 26, 2003 |
| 00-713-I-5 | 09/966,312 9/28/01 | See 00-713-I-1 | U.S. Patent No. 6,673,548, issued January 6, 2004 |
| 00-713-I-6 | 09/967,409 9/28/01 | See 00-713-I-1 | ALLOWED |
| 00-713-I-7 | 09/974,500 10/10/01 | See 00-713-I-1 | ALLOWED |
| 00-713-I-8 | 09/974,007 10/10/01 | See 00-713-I-1 | PENDING |
| 00-713-I-9 | 09/973,638 10/10/01 | See 00-713-I-1 | PENDING |
| 00-713-I-10 | 09/973,788 10/10/01 | See 00-713-I-1 | ALLOWED |
| 00-713-I-11 | 09/975,062 10/11/01 | See 00-713-I-1 | U.S. Patent No. 6,677,122, issued January 13, 2004 |
| 00-713-I-12 | 09/975,376 10/11/01 | See 00-713-I-1 | PENDING |
| 00-713-I-13 | 09/975,384 10/11/01 | See 00-713-I-1 | PENDING |

| ATTY Case No. | Serial No./ Filing Date | Inventors/Title | Status |
|--------------------------|--|--|--|
| 00-713-I-14 | 09/975,498 10/11/01 | See 00-713-I-1 | ALLOWED |
| 00-713-I-15 | 09/975,059 11/11/01 | See 00-713-I-1 | ALLOWED |
| 00-713-I-16 | 09/976,601 10/12/01 | See 00-713-I-1 | PENDING |
| 00-713-I-17 | 09/976,968 10/12/01 | See 00-713-I-1 | PENDING |
| 00-713-I-18 | 09/976,971 10/12/01 | See 00-713-I-1 | U.S. Patent No. 6,682,895, issued 1/27/04 |
| 00-713-I-19 | 09/976,863 10/12/01 | See 00-713-I-1 | PENDING |
| 00-713-I-20 | 09/976,577 10/12/01 | See 00-713-I-1 | ALLOWED |
| 00-713-I-21 | 09/976,618 10/12/01 | See 00-713-I-1 | ALLOWED |
| 00-713-I-22 | 09/981,344 10/15/01 | See 00-713-I-1 | ALLOWED |
| 00-713-I-23 | 09/976,900 10/12/01 | See 00-713-I-1 | PENDING |
| 00-713-I-24 | 09/976,617 10/12/01 | See 00-713-I-1 | ALLOWED |
| 00-713-I-25 | 09/976,378 10/12/01 | See 00-713-I-1 | PENDING |
| 00-713-i-26 | 10/410,324 04/10/03 | See 00-713-I-1 | PENDING |
| 00-713-L | U.S.S.N. 09/693,005 Filed 10/20/00 | Mirkin, Letsinger, Mucic, Storhoff, Elghanian/ NANOPARTICLES HAVING OLIGONUCLEOTI | U.S. Patent No. 6,495,324, issued 12/17/02 |

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| | | DES ATTACHED THERETO AND USES THEREFORE | |
| 00-713-M | U.S.S.N. 09/693,352 Filed 10/20/00 | Mirkin, Letsinger, Mucic, Storhoff, Elghanian/ NANOPARTICLES HAVING OLIGONUCLEOTI DES ATTACHED THERETO AND USES THEREFORE | U.S. Patent No. 6,417,340, issued 7/9/02 |
| 00-714-G | U.S. 09/830,620 Filed 8/15/01 | Mirkin, Nguyen/ NANOPARTICLES WITH POLYMER SHELLS | PENDING |
| 00-715-A | U.S. 09/760,500 Filed 1/12/01 | Mirkin, Letsinger, Mucic, Storhoff, Elghanian, Taton; Garamella, Li/ METHOD OF ATTACHING OLIGONUCLEOTI DES TO NANOPARTICLES AND PRODUCTS PRODUCED THEREBY | ALLOWED |
| 00-1085-A | U.S.S.N. 09/820,279 Filed 3/28/01 | Mirkin, Letsinger, etc./ METHOD AND MATERIALS FOR ASSAYING BIOLOGICAL MATERIALS | ALLOWED |
| 00-1085-G | U.S.S.N. 10/640,618 Filed 8/13/03 | Mirkin, Letsinger, etc./ METHOD AND MATERIALS FOR ASSAYING BIOLOGICAL MATERIALS | |
| 00-1086-A | U.S. 09/903,461 Filed 7/11/01 | Letsinger, Garimella/ METHOD OF DETECTION BY ENHANCEMENT | U.S. Patent No. 6,602,669, Filed 8/5/03 |

| ATTY Case No. | Serial No./ Filing Date | Inventors/Title | Status |
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| | | OF SILVER STAINING | |
| 00-1272-C | U.S.S.N. 10/008,978 Filed 12/7/01 | Mirkin, Letsinger, Mucic, Storhoff, Elghanian, Taton, Garimella, Li, Park, Lu/ NANOPARTICLES HAVING OLIGONUCLEOTI DES ATTACHED THERETO AND USES THEREOF | PENDING |
| 01-565-A | USSN 10/125,194 Filed 4/18/02 | Mirkin, Nguyen, Watson, Park/ OLIGONUCLEOTI DE-MODIFIED ROMP POLYMERS AND CO- POLYMERS | PENDING |
| 01-599-A | U.S.S.N. 10/291,291 Filed 11/08/02 | Storhoff/NOVEL THIOL-BASED METHOD FOR ATTACHING OLIGONUCLEOTI DES TO NANOPARTICLES | PENDING |
| 01-661-A | U.S.S.N. 10/034,451 Filed 12/28/01 | Mirkin, Cao, Jin/ DNA-MODIFIED CORE-SHELL AG/AU NANOCRYSTALS | PENDING |
| 01-661-C | U.S.S.N. 10/153,483 Filed 5/22/02 | Mirkin, Cao, Jin/ DNA-MODIFIED CORE-SHELL AG/AU NANOCRYSTALS | PENDING |
| 01-661-E | U.S.S.N. 10/397,579 3/26/03 | Mirkin, Cao, Jin/ DNA-MODIFIED CORE-SHELL AG/AU NANOCRYSTALS | PENDING |
| 01-1565-A | U.S.S.N. 10/266,983 | Park, Taton, Mirkin/ARRAY- | PENDING |

| ATTY Case No. | Serial No./ Filing Date | Inventors/Title | Status |
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| | Filed 10/08/02 | BASED ELECTRICAL DETECTION OF DNA USING NANOPARTICLE PROBES | |
| 01-1633-A | U.S.S.N. 10/266,983 Filed 10/8/02 | Park, Taton, Mirkin/NANOPARI CLES HAVING OLIGONUCLEOTI DES ATTACHED THERETO AND USES THEREFOR | PENDING |
| 01-1705-A | U.S.S.N. 10/108,211 Filed 3/27/02 | Nam, Park, Mirkin/BIO- BARCODES BASED ON OLIGONUCLEOTI DE-MODIFIED NANOPARTICLES | PENDING |
| 02-338-B | USSN 10/172,428 Filed 6/14/02 | Cao, Jin, Nam, Mirkin/MULTICHA NNEL DETECTION USING NANOPARTICLE PROBES WITH RAMAN SPECTROSCOPIC FINGERPRINTS | PENDING |
| 02-338-C | 10/431,341 5/7/03 | Cao, Jin, Nam, Mirkin/MULTICHA NNEL DETECTION USING NANOPARTICLE PROBES WITH RAMAN SPECTROSCOPIC FINGERPRINTS | PENDING |